

## REMARKS

1. The applicants have further amended the claim1 according to the Office communication to remove the 112 2<sup>nd</sup> paragraph rejections.
2. Regarding the obviousness rejection, the Office communication cited the prior arts of Caplan, Prockop and Matsui. However, there was no motivation or reason to combine these prior arts. Especially, the function of Leuksorb filter of Caplan et al for the separation of human MSCs from fat cells and red blood cells from bone marrow aspirate is exactly opposite from the filter of Matsui. Moreover, Prockop et al showed RS cells can be separated from other MSCs by ultrafiltration through an ultrafiltration membrane having appropriately-sized pores (e.g. 10  $\mu$ m). However the example was done using a frozen stock of MSCs, which did not contain haematopoietic stem cells.

In other words, these three prior arts were quite different from each other. There was no reasonable expectation of success in creating this application by referring to these prior arts. Therefore, the applicants respectfully request that the Examiner reconsider and withdraw the rejection of the claims under 35 USC §103.

3. As the application mentioned in the specification, "in one preferred embodiment, cell populations having greater than 98% of human MSCs can be obtained in accordance with the method of the invention, and such isolated MSCs can proliferate without differentiation and reach confluence even after 12 passages. The isolated MSCs of the present invention are uniform CD34 -, and can be induced to differentiate into bone, adipose, cartilage, and various other type of connective tissues." [0011] This application created an unexpected result or significant improvement at the time of this invention.

Accordingly, this application should be placed in condition of allowance. An early Notice to this effect is respectfully expected.

Respectfully submitted:

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